

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/643,011	FAOUR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Humera N. Sheikh	1615	

**All Participants:**

(1) Humera N. Sheikh.

(2) Rick Matos.

**Status of Application:** Allowed

(3) \_\_\_\_\_.

(4) \_\_\_\_\_.

**Date of Interview:** 6 July 2006

**Time:** 1pm (est)

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**

**Rejection(s) discussed:**

*none*

**Claims discussed:**

*pending: 1-44*

**Prior art documents discussed:**

*U.S. Pat. No. 6,613,357 (Faour et al.) - Issue of same invention Double Patenting*

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*See Continuation Sheet*

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

 7-6-06  
 (Examiner/SPE Signature)

\_\_\_\_\_  
 (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner indicated that in claim 1, line 12, there is lack of antecedent basis for the term "the H1 antagonist". Lack of antecedent basis also exists for "H1 antagonist" in claims 6 and 9-11. Suggestions made to replace "the H1 antagonist" with "fexofenadine". Regarding the use of trademarks in Applicant's specification, the trademarks listed on pages 1, 2 & 20 do not recite their respective manufacturer/source for each trademark. Examiner will supply the trademark manufacturer information, which amendment would be carried out through Examiner's Amendment based on attorney's approval. Examiner also requested information regarding the distinction between application no. '011 and issued patent 6,613,357. Applicant's representative indicated that the distinction lies in the instantly claimed release rate profiles, which are improved and more refined rates of release over the previously issued '357 patent. Examiner indicated that since the issue of 'same invention Double Patenting' exists over the '357 patent, a Terminal Disclaimer would be needed to overcome the Double Patenting issue. The instant application would be allowable upon receipt of the Terminal Disclaimer over the '357 patent, which Applicant indicated would be facsimiled to the Examiner. A Notice of Allowability will be issued in due course.